

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2008-408-C - ORDER NO. 2008-857

JANUARY 8, 2009

IN RE: Petition of BellSouth Telecommunications,	)	ORDER GRANTING
Inc. d/b/a AT&T South Carolina for Review	)	NANPA NXX RELIEF
of NANPA NXX Code Assignments in the	)	
Mount Pleasant Rate Center	)	

This matter comes before the Public Service Commission of South Carolina ("Commission") on the Petition of BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina ("AT&T" or the "Company") for Review of the North America Numbering Plan Administration's ("NANPA") central office code numbering resources decision to deny the Company's request for additional numbering resources in the 843 area code. According to AT&T, on September 16, 2008, it requested NANPA to provide two consecutive thousand number blocks that do not begin with 9 or 0. AT&T states it does not have the numbers to meet Roper St. Francis HealthCare's request and asks that the Commission reverse NANPA's denial.

NANPA's refusal stems from the Federal Communications Commission's ("FCC") "rate center" basis for determining the need for new numbering resources. Under FCC rules, carriers must exhaust their numbering inventory within six months of the application and meet a rate center utilization threshold of 75 percent in order to receive additional numbering resources. However, the record reveals that the Mount

Pleasant Rate Center is 18.35 months to 19.700 months from exhausting their inventory and is using 75.267 percent of its numbering resources.

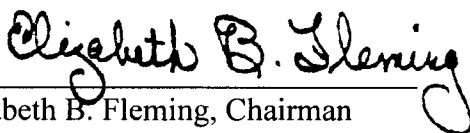
AT&T states that it does not have the resources in the Mount Pleasant rate center necessary to serve the needs of its customer and will therefore be unable to provide the telecommunications services requested by this customer if the additional numbering resources are not obtained. Although AT&T fails to meet NANPA's requirements, the FCC maintains a policy that "under no circumstances should customers be precluded from receiving telecommunications services of their choice from providers of their choice for want of numbering resources." FCC 000-429 at ¶ 61. To this end, the FCC allows carriers to challenge a NANPA decision at the appropriate state regulatory commission. FCC 01-362 at ¶¶ 61-66; Central Office Code (NXX) Assignment Guidelines § 13.0. States may grant relief "if a carrier demonstrates that it has received a request for numbering resources in a given rate center that it cannot meet with its current inventory." FCC 01-362 at ¶ 64.

We find that the South Carolina Public Service Commission, as the regulator of the rates and service of telecommunications companies under the authority of S.C. Code Ann. § 58-9-210 et seq., has the authority under both the FCC's rules and the Central Office Code (NXX) Assignment Guidelines to review a decision by NANPA denying a request for numbering resources. We further find that AT&T has demonstrated receipt of a customer request for numbering resources in the Mount Pleasant Rate Center that it cannot meet with its current inventory. It is our opinion that these additional numbering resources are necessary for AT&T to provide its customer with the required

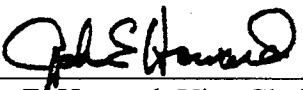
telecommunications service. Consequently, we hold that NANPA is directed to approve AT&T's code assignment of two consecutive thousand number blocks that do not begin with 9 or 0, which it recently requested for the Mount Pleasant Rate Center.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:

  
Elizabeth B. Fleming, Chairman

ATTEST:

  
John E. Howard, Vice Chairman

(SEAL)